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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 740
DEPARTMENT OF TRANSPORTATION
MOTOR CARRIER TRANSPORTATION DIVISION

FILED

06/29/2022 5:31 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Updated parameters for estimates generated by household goods movers

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/21/2022 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

Currently, household goods carriers must provide written estimates only after visually inspecting the goods being shipped. This amendment is needed to now allow these carriers to provide estimates in either a hard copy or electronic format after inspecting the goods either in-person or virtually depending on the customer's preference. Incorporating technology will provide more flexibility to both moving companies and customers.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This update promotes equity in that the shipper (customer) is integrally involved in deciding which inspection type is best for them. While virtual inspections will now be allowable, this amendment gives the shipper control over the final decisions as to which inspection method suits them best. The customer can choose to receive in-person inspections/estimates which may be crucial for a variety of reasons such as poor internet service, lack of an electronic device or inability to use such a device to participate in the virtual inspection of goods process necessary to the generation of an estimate.

FISCAL AND ECONOMIC IMPACT:

It is not anticipated that this amendment will result in any increased costs. It provides more flexibility for both customers and household good companies. Such companies will likely experience savings in time and travel costs whenever customers choose the virtual inspection option.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) None

(2) Small household goods moving companies will experience efficiencies in time and travel costs when shippers elect to use the virtual option.

(2)(a) Approximately 106 regulated household goods moving companies.

(2)(b) Amendment is not expected to increase reporting, recordkeeping, administrative activities or costs. The retention period of three years remains unchanged. Household goods moving companies may experience a savings in paper costs as estimates can now be generated electronically.

(2)(c) None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Fourteen groups representing small businesses received a copy of the proposed amendment and were asked to submit comments on fiscal and economic impact. No comments were received.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 740-060-0040

RULE SUMMARY: Rule details parameters for estimates provided by household goods movers. The amendment allows the shipper to opt for inspections to be done virtually and estimates to be provided electronically.

CHANGES TO RULE:

740-060-0040

Estimates of Charges ¶¶

(1) Estimates must be prepared by the carrier when requested by the shipper. Estimate forms must be retained for three years with the freight bill for inspection by the Department's staff. Estimates must be:¶¶

(a) Free of charge;¶¶

(b) Provided in writing;¶¶

~~(c) Given only after visual inspection of household goods to be shipped; in hard copy or electronic form;¶¶~~

(c) Given only after an in-person or virtual inspection as agreed to with the shipper of the household goods to be shipped. If the inspection is performed virtually, the household goods motor carrier must be able to view the household goods through live or pre-recorded video that allows it to clearly identify the household goods to be transported.¶¶

(d) Non-binding; final charges must be based upon tariff rates filed with the Department; and¶¶

(e) Accompanied by an addendum when additional services are added and not included in the original estimate. An addendum must be provided at the origin address unless the additional service(s) are required at the destination address. Addendum estimates must be provided in hard copy or electronic form. An addendum estimate must be signed by the shipper.¶¶

(2) Underestimates for service. A carrier must not provide underestimates for service. An underestimate occurs when the charge assessed by the carrier exceeds the original estimate and addendum estimates for service by more than 10 percent.¶¶

(3) When full or partial payment is due upon delivery and the total tariff charges exceed estimated and addendum charges by more than 10 percent, a shipper may request deferment of the excess amount for 15 days. The shipper must pay the estimated charges plus 10 percent at the time of delivery. The carrier must relinquish possession of the shipment, when the estimated charges plus 10 percent is received. The 15-day extension does not include Saturdays, Sundays, and holidays as specified in the carrier's tariff.

Statutory/Other Authority: ~~ORS 184.616~~, 184.619, 823.011, 825.232

Statutes/Other Implemented: ORS 825.202, 825.204, 825.224